

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Slivka Confirmation No. 7650  
 Serial No.: 10/676,868 Art Unit: 1651  
 Filed : September 30, 2003 Examiner: Ford, Allison M.  
 For : **METHOD OF TREATMENT OF DEFECTS IN THE INTERVENTEBRAL DISC**

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being  
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 CFR 1.6(a)(4).

\_\_\_\_\_/Theodore J. Shatynski/

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 Theodore J. Shatynski

\_\_\_\_\_  
 November 26, 2007

\_\_\_\_\_  
 (Reg. No. 36,676)

To: Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 24, 2007 finally rejecting Claims 1, 4-12 and 14-41 of the above-identified application. No additional extension of time fees are believed to be due as the three month period for response fell on Saturday November 24, 2007 and this correspondence is being filed on the first business day afterwards.

The item(s) checked below are appropriate:

1. ☐ An extension of time to respond to the final rejection was granted on \_\_\_\_\_ for month(s).
2. ☐ A Petition For Extension Of Time under 37 CFR 1.136 is attached hereto in triplicate.
3. ☐ A timely response to the final rejection has been filed.
4. ☒ Fee \$500.00: for filing of Notice of Appeal  
☐ Not required (fee paid in prior appeal)  
☒ Charge to Deposit Account No. 10-0750/DEP5170/TJS. Two additional copies of this Notice are enclosed herewith.  
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750/DEP5170/TJS.

Respectfully submitted,

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 /Theodore J. Shatynski/

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 Date: November 26, 2007